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SEPTEMBER 6, 2016

The Honorable Peggy Kuo
United States District Court for the Eastern District of New York

Re: Murphy, et al. v. City of N.Y., et al., No. 16 Civ. 519 (MKB) (PK)

Dear Judge Kuo:

I represent Plaintiffs in the above-referenced Section 1983 police misconduct litigation. I write with Defendants to jointly request an adjournment of the Parties' September 8, 2016, telephone conference until the week of October 3, 2016. This is the first request and will not affect any other part of the pretrial schedule, which the Parties continue to follow.

One reason for the adjournment request is that Defendants are about to make an additional document production in approximately one week's time in response to Plaintiffs' first document requests and interrogatories. Because the production will be made after September 8, the Parties feel that a conference after the production would be more beneficial. It is not until after Plaintiffs' review of the production that the Parties will be able to narrow discovery disputes for discussion with the Court. This informed discussion will help the litigation to progress towards trial readiness than conference before the production.

Another reason for the adjournment request, which is related to the first, is related to Defendants' pending Answer to the Amended Complaint on behalf of newly named Individual Defendants. As the Court knows, Plaintiffs filed their Amended Complaint approximately one month ago and they have since served newly-named Defendants. Corporation Counsel will shortly answer for these individuals, although the deadline is not until after September 8, at which point still more document production will be possible.

Finally, the Parties represent that even as we ask for conference adjournment, we are making good progress in accordance with the pretrial schedule. First, the Parties will post a Proposed Protective Order on the docket by the close of business tomorrow in order to facilitate additional document production. Second, the Parties have already begun to schedule party

depositions later this month (September 2016), beginning with Plaintiffs. The Parties anticipate holding at least some of the Plaintiffs' depositions before the proposed adjourned conference date. Finally, the Parties have engaged in preliminary settlement discussions. By the time of the proposed adjourned conference, the Parties hope that document productions and depositions will have facilitated still more progress in terms of settlement negotiations.

I thank the Court for its consideration of this consent adjournment motion. I am able to provide additional information upon request.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Lozar".

Ryan Lozar
Attorney for Plaintiffs